

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

April 28, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacher Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 02-0706
L.A.S.D. File # 002-08097-0378-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 2, 2002, non-fatal shooting of Anthony Grandberry and Lavelle Houston by Los Angeles County Sheriff's Deputies Regan Fitzgerald, # [redacted] and [redacted] # [redacted] We find that Deputies Fitzgerald and [redacted] acted lawfully in self-defense and in defense of others.

The following analysis is based on the reports relating to this matter that were submitted to this office on January 21, 2003 by Detective Barry Hall of the Los Angeles County Sheriff's Department, Homicide Bureau.

FACTUAL ANALYSIS

Initial Report

On August 2, 2002, at approximately 11:00 p.m., Deputies Regan Fitzgerald and [redacted] responded to a 911 call concerning gunshots fired by "Raymond Crip" gang members at 126th Street and Vermont Avenue in Los Angeles. They observed several armed suspects who fled upon their arrival. They immediately broadcast a call for help to set up a containment of the area. Fitzgerald exited the patrol car and chased Anthony Grandberry while Deputy [redacted] pursued Lavelle Houston. Fitzgerald ultimately came upon Grandberry and shot him in the hand after Grandberry pointed a chrome handgun at the deputy. Grandberry suffered a ½ inch laceration to his right index finger. Paramedics treated him on the scene with a liquid bandage. [redacted] came into contact with Houston

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://da.co.la.ca.us

at some nearby apartments located at [redacted] 126th Street. While [redacted] was illuminating the front yard, he observed Houston pointing a large dark colored handgun directly at him. The deputy responded by firing several rounds at Houston who was not hit. Houston was taken into custody a short while later outside a nearby apartment complex by Sheriff's deputies.

Statement by Deputy Regan Fitzgerald

In a statement that was not compelled, Deputy Fitzgerald stated that on August 2, 2002, at approximately 11:00 p.m., while on duty with Deputy [redacted] they received a radio call of gunshots being fired at [redacted] Upon their arrival, he observed two suspects matching the description in the broadcast concerning the 911 call. He observed one of the suspects, later identified as Anthony Grandberry, run southbound on Vermont Avenue and jump a fence at [redacted] 126th Street. Deputy Fitzgerald observed Grandberry holding a chrome handgun. The other suspect, later identified as Lavelle Houston, ran eastbound on 126th Street and out of view. Fitzgerald exited the marked patrol car and began to chase Grandberry. Fitzgerald observed [redacted] drive eastbound on 126th Street, park the patrol car, and run up some stairs before he lost sight of him. A short while later Fitzgerald heard several gunshots coming from the location he last saw [redacted] Fitzgerald ran towards the shots and came across Grandberry who appeared from an open gate at [redacted] 126th Street. Grandberry was still holding the chrome handgun and he pointed it at the deputy. Fitzgerald, fearing he would be shot and killed, fired three rounds at Grandberry. The suspect ran southwest towards Vermont. The deputy observed Grandberry throw the handgun over a chain link fence at [redacted] 126th Street. The suspect ran approximately 20 feet southbound on Vermont Avenue before he fell to the ground. Grandberry was taken into custody without further incident.

Statement by Deputy [redacted]

In a statement that was not compelled, Deputy [redacted] stated that on August 2, 2002, at approximately 11:00 p.m., while on duty with Deputy Fitzgerald, they received a radio call of gunshots being fired at [redacted] They responded "code-3" and arrived only moments later. He observed two suspects, later identified as Anthony Grandberry and Lavelle Houston, who matched the description in the broadcast. He observed Grandberry jump over a chain link fence at [redacted] 126th Street. When the suspect landed on the other side he observed a gun in his hand and warned Deputy Fitzgerald. Barajas drove the patrol car to [redacted] 126th Street and ran up the stairs of the apartment complex at that location. Fitzgerald took a containment position on the southeast corner of 126th Street and Vermont Avenue. [redacted] illuminated the front yard and observed Houston pointing a large dark colored handgun directly at him. Believing that he was going to be shot and killed, [redacted] dropped the flashlight and fired several rounds at Houston. He observed Houston flee southbound and out of view. [redacted] immediately called for assistance and provided Houston's description and last known direction.

Additional Investigation

Deputy D. Dominguez recovered a chrome handgun at the base of the north wall of the property located at [redacted] 126th Street. That is the same location where Fitzgerald observed Grandberry discard the weapon. The gun was loaded and functional. A .25 caliber expended shell casing that was recovered at the scene of the original shots fired call was analyzed and found to be fired from the weapon recovered by Deputy Dominguez. The dark colored handgun that Deputy [redacted] observed in the possession of Houston was not recovered. However, Houston admitted to witness Anthony Smith that he had thrown a gun into some bushes while being chased by Sheriff's Deputies.

Lennox Station personnel, as reported in Deputy Kenneth Brown's supplemental report, conducted gunshot residue tests. The analysis on suspect Houston tested positive for materials consistent with gunshot residue. No analysis was performed on suspect Grandberry due to the fact he had been shot in the hand by gunfire.

Statement by Anthony Grandberry

On August 3, 2002, at approximately 3:30 a.m., Investigators Kevin Lowe and Dan McElderry interviewed Anthony Grandberry. The suspect was advised of his Miranda rights, which he said he understood and waived. The interview was video taped and conducted at Lennox Station. Grandberry told investigators that he was walking south on Vermont Avenue towards El Segundo Boulevard when he saw a marked Sheriff's patrol car driving towards his location. He claims that he ran from them because he had warrants out for his arrest, which in fact is true. He had two outstanding warrants at the time [redacted] Grandberry claimed that he jumped a fence at [redacted] 126th Street in an attempt to get away. As he was running he heard four gunshots to the east of his location. As he ran south on Vermont Avenue he ran right past a Sheriff Deputy. He claimed that he heard shots fired behind him and he was struck in the right index finger. Grandberry then dropped face down on the sidewalk to surrender. He denied possessing the handgun that was recovered.

Statement by Lavelle Houston

On August 3, 2002, at approximately 4:50 a.m., Investigators Kevin Lowe and Dan McElderry interviewed Lavelle Houston. The suspect was advised of his Miranda rights, which he said he understood and waived. The interview was video taped and conducted at Lennox Station. Houston told the investigators that he was walking down Vermont Avenue towards eastbound 126th Street at approximately 11:00 p.m. when he observed a marked Sheriff's patrol car turn east on 126th Street. He stated that he believed he had a warrant for his arrest and he saw numerous other males running, so he also ran. He went east on 126th Street, then southbound up a flight of stairs that led to a residence. He noticed that a deputy was chasing him. As he continued to run, he heard several gunshots

being fired from behind him. He stated that as he ran his pants continually fell from his hips and he was pulling at his waistband to keep them up. He ran and hid at some nearby apartments until deputies found him about fifteen minutes later. He denied possessing a firearm during the incident, but he admitted that it may have appeared that he was reaching for a weapon when he was pulling at his waistband. He did not sustain any injuries from Deputy [redacted] gunfire.

Statement by [redacted]

Detective Dan McElderry interviewed [redacted] on August 3, 2002, at 6:35 a.m. [redacted] stated that earlier in the evening he was visiting a friend, [redacted] at [redacted] They were talking on the porch when an acquaintance, "Lavelle" arrived. Moments later Sheriff's deputies appeared and Lavelle said, "Oh shit." All of them were detained in a patrol car together. Houston told him that he had a gun and was chased by deputies to the location. He stated that he threw his gun into some bushes as he ran.

Statement by [redacted]

[redacted] told investigator Barry Hall that he and four friends went to a party at 124th Street and Berendo Avenue. At the party they got into a verbal and physical altercation with an unknown blood gang member. He stated that several of his friends are "Raymond Avenue Crips," but denied that he is a member. He and his friends were kicked out of the house. While they were near the backyard of the residence, Anthony Grandberry fired one shot in the air from a chrome .25 caliber semiautomatic handgun. After the shot was fired he and the others took off running eastbound towards Vermont Avenue. He also told investigators that he had seen Lavelle Houston in possession of the same handgun earlier.

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

The evidence gathered in this investigation shows that Deputies Fitzgerald and [redacted] arrived at a location where armed suspects had only moments earlier discharged a firearm. When the deputies exited the patrol car and gave chase they both observed Grandberry to be armed with a chrome handgun. This gun was later recovered in the exact location that Fitzgerald reported that he saw Anthony Grandberry discard it. Furthermore, ballistic tests confirm that this gun was fired in the shooting that prompted

the 911 call. Also, witness [redacted] saw Grandberry with the weapon earlier in the evening. While no weapon was ever recovered from Lavelle Houston, witness [redacted] can corroborate Deputy [redacted] account that he observed him in possession of a dark colored handgun. Houston admitted to [redacted] that he had a gun, but threw it into some bushes as he tried to escape from the Sheriff's deputies. And by his own account, Houston continually reached for his waistband while he was in flight, a movement which could reasonably lead [redacted] to believe that Houston was attempting to arm himself. Houston also tested positive for gun shot residue.

In this incident, the actions of the suspects constituted a threat of deadly force and the deputies responded by firing their weapons in self-defense and defense of others. Under these circumstances, the deputies' use of deadly force was both reasonable and necessary to preserve their lives and the lives of others. Based on this conclusion, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

MICHAEL MALLANO
Deputy District Attorney
(213) 974-4106

c: Deputy Regan Fitzgerald, #[redacted]
Deputy [redacted] # [redacted]

176155IN25A - SH-AD-32A (OPES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: July 29, 2003

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FILE NO: IAB #2068762

FROM: **RICHARD L. CASTRO, COMMANDER**
LYNDA R. CASTRO, COMMANDER

TO: **ERIC B. SMITH, CAPTAIN**
INTERNAL AFFAIRS BUREAU

SUBJECT: **[redacted] DEPUTY #[redacted] LENNOX STATION, FOR II**
FITZGERALD, REGAN, DEPUTY #[redacted] LENNOX STATION, FOR II

On August 2, 2002, Deputies [redacted] and Fitzgerald were responding to a "illegal shooting" call when they saw two males run across the street. The males split and ran in different directions upon seeing the deputies. One male (Suspect Anthony Grandberry) jumped over a metal gate, and as he landed, the deputies saw that he was carrying a handgun. Suspect Grandberry ran into an apartment complex. Deputy [redacted] (driver) dropped off Deputy Fitzgerald (passenger) at a corner, and proceeded partway down the street before exiting his patrol car. As the deputies began to set up a containment, Deputy [redacted] ascended steps into a raised residential lot that might provide better visibility of the surrounding area. As Deputy [redacted] entered the yard, his view of Deputy Fitzgerald was blocked a by line of close set Cypress tress that lined the lot. As he shined his flashlight into the yard, Deputy [redacted] saw the second male (Suspect Lavelle Houston) standing in a corner of the yard and beginning to point a handgun at him. Deputy [redacted] fired three rounds at Suspect Houston and backed out of the yard. Suspect Houston was not struck and jumped over a nearby fence and fled. As Deputy [redacted] ascended the stairs, Deputy Fitzgerald heard a noise in the bushes down the street from where he was standing. Deputy Fitzgerald felt that he was without cover or concealment on the corner and decided to investigate the noise, removing himself from visual contact with his partner. As he neared the area of the noise, he heard Deputy [redacted] gunshots. Deputy Fitzgerald turned and ran toward Deputy [redacted] position. As he turned the corner, Deputy Fitzgerald saw Suspect Grandberry running toward him. As Suspect Grandberry approached, he raised a handgun and began to point it at Deputy Fitzgerald. Deputy Fitzgerald fired four rounds at Suspect Grandberry, striking him once in the right index finger. Suspect Grandberry tossed his handgun over a nearby fence and fell to the ground, where he surrendered. Suspect Houston was later captured within the containment.

On July 24, 2003, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by both deputies was reasonable and necessary and in compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies were in compliance with Department policy.

Richard L. Castro, Commander

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08/05/02	Bureau/Station/Facility: Lennox Station / FOR II	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 402-08097-0378-055	Date: 08/02/02 Time: 2318
City or Station: Los Angeles	Nature of Incident: Deputies respond to a 923/417 call and encounter two suspects en route. Both suspects flee. Suspect/1 turns toward Deputy [redacted] and aims gun at him. Deputy [redacted] fires four rounds but misses Suspect/1, who continues to flee. Deputy Fitzgerald confronts Suspect/2 who suddenly runs out of an apartment complex. As Suspect/2 raises a gun, Deputy Fitzgerald fires four rounds, striking Suspect/2 in right hand. Suspect/1 is captured a short while later in an apartment complex during a containment
Location: Vermont Avenue at 126th Street	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence), Rural, School, (Street), Other: ________

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights)

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: 20-30 and 10-20

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), (Foot Pursuit), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ________

Initiated by (*circle only one*): Arrest Warrant, (Call), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
4 / 5	0	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Flamm	Steven		(On Duty), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Reyes	Alfred	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Plett	Norine	

PSTD Use Only

SH # 2068762

Officer Involved Shooting

URN: 402-08097-0378-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/03/02	0030	08/05/02	

Employee #	Last Name	First Name	M.I
[redacted]	Porlier	Clay	
[redacted]	Reyes	Henry	
[redacted]	Mauldin	Donnie	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(SV) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S-1	E-1	FH	??	??			NN	
S-2	E-2	FH	LO	25			NN	
E-1	S-1	FH	HK	45	Y	Y	NN	
E-2	S-2	FH	BR	9	Y	Y	GS	HD

Officer Involved Shooting
Involved Employee Information

URN: 402-08097-0378-055

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: Hispanic	Rank: Deputy	Unit Assignment: Lennox Station / FOR II	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted] PM Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 5'10" Weight: 200 lbs			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name Fitzgerald	First Name Regan	M.I.
Sex: M Race: White	Rank: Deputy	Unit Assignment: Lennox Station / FOR II	Work Assignment (Unit #, Module, etc.): 32A
ShiftTime (*circle only one*): EM (circled) PM Day	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 6'00" Weight: 190 lbs			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 402-08097-0378-055

Suspect Information

S 1

Last Name: Houston		First Name: Lavelle	M.I.: A.
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 18 D.O.B. 12/26/83	Height: 5'06 Weight: 135	FBI #: [redacted]	CII #: [redacted]
Booking #: 7370030	Primary Charge: 245(D)(1) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S 2

Last Name: Grandberry		First Name: Anthony	M.I.: D.
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 01/03/81	Height: 5'10" Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #: 7369771	Primary Charge: 245(D)(1) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT SHOOTING
SH 2068762
002-08097-0378-055

DATE / TIME / LOCATION

August 2, 2002 (Friday)
2318 hours
Vermont Avenue at 126th Street

On Friday, August 2, 2002, Sergeants Clay Porlier and Henry Reyes, along with Lieutenant Donnie Mauldin from Internal Affairs Bureau responded to Lennox Station regarding a hit shooting involving two deputies. Other responding personnel were Lt. Peavy and Sgts. Martinez and Longshore, and Detectives Hall, Shonka, Lowe and McElderry from Homicide; Lt. Ralph Webb of Risk Management; and Deputy Shawn Jones of Field Operations Training. This incident actually occurred in the patrolling area of the Los Angeles Police Department. Protocol between LASD and LAPD calls for the involved agency to conduct their own investigation. [redacted] of LAPD Robbery/Homicide responded as a representative for their agency.

SYNOPSIS

Deputies responded to a 417/923 call (man with a gun/shots fired) at a location involving gang members. While en route the deputies spotted two individuals running on Vermont Avenue, coming from the general location of the call. The two suspects fled and the deputies began setting up a containment. During this process the deputies encountered both suspects (separately) and both deputies, believing they were going to be fired upon, fired at the suspects. One suspect was hit in his right hand and surrendered. The second suspect fled but was captured a short distance away, uninjured. Neither deputy was injured.

INVOLVED PERSONNEL


[redacted] Deputy #[redacted] MH/[redacted] 5'10" 200lbs Right Handed
Field Operations Region II
Lennox Station

Date of Employment: 11/89
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents: 2
Prior Founded Force Incidents: [redacted]

FITZGERALD, Regan, Deputy #[redacted]	MW/[redacted]	6'00"	190lbs	Right Handed

Field Operations Region II
Lennox Station

Date of Employment:	06/96
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	
Prior Shooting Incidents:	
Prior Founded Force Incidents:	

SUSPECT

Houston, Lavelle Bk #7370030	MB/18	5'06"	135lbs	Right Handed

Criminal Arrest History: [redacted]

Grandberry, Anthony Bk #7369771	MB/21	5'10"	150lbs	Right Handed

Criminal Arrest History: [redacted]

WITNESSES

[redacted]


[redacted]

INJURIES

Neither deputy was injured during this incident, nor was Suspect Houston. Suspect Grandberry received a slight gunshot wound to the middle of the back of his right index finger which was treated with a liquid bandage.

PHYSICAL EVIDENCE

A loaded Raven Model 25 (.25-auto) semi-auto, matching the description of the gun seen carried by Suspect Grandberry, was recovered at the front of the apartment complex at the base of the building. No identifiable prints were found on the gun. Three .45 cal shell casings were recovered from the front yard of [redacted] 126th St. from Deputy [redacted] gun, while four 9mm shell casings were recovered from the corner of 126th St. and Vermont Avenue from Deputy Fitzgerald's gun. The gun seen carried by Suspect Houston remains outstanding. None of the seven fired bullets were located.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted]

Service Weapon Type:	H&K USP .45 auto
Rounds Fired:	3
Type of Ammunition Used:	Department Issued Winchester Ranger SXT 230gr.
Date Employee Last Qualified:	[redacted]

Deputy Fitzgerald

Service Weapon:	Department Issued Beretta 92F
Rounds Fired:	4
Type of Ammunition Used:	Department Issued Winchester Ranger SXT 147 gr.
Date Employee Last Qualified	[redacted]

WEAPON USED BY SUSPECTS

Suspect Houston

Type of Weapon Used:	Unknown type handgun
Weapon Recovered:	None
Casings Recovered:	None
Gunshot Residue Results:	N/A
Weapon Checked for Fingerprints:	N/A
Results:	N/A

Suspect Grandberry

Type of Weapon Used:	Chrome Semi-auto
Weapon Recovered:	Raven, MP-25, single action, semiautomatic pistol (Chrome)
Casings Recovered:	None
Gunshot Residue Results:	N/A
Weapon Checked for Fingerprints:	Yes
Results:	No identifiable prints found

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator's Name:	Det. Hall
Court:	Torrance Court
Charges:	245(D)(1) PC
Sentencing:	Suspect Houston pled to 417(C) PC and is awaiting formal sentencing on May 22, 2003. He is expected to receive a 3 year sentence. Suspect Grandberry was convicted of 12021(A) PC and is expected to receive a 3 year sentence as well on May 22.

LIGHTING AND WEATHER CONDITIONS

Standard street lighting plus low overcast clouds resulted in better than average lighting conditions. The weather was overcast but dry, with temperatures in the mid-60's.

EMPLOYEE'S STATEMENTS

Deputy [redacted] was working unit [redacted] on the EM shift with his partner, Deputy Regan Fitzgerald, who was acting as the bookman. They were assigned the assist on a 417/923 call (person with a gun, shots fired) involving Raymond Avenue Crips, located at [redacted] W. 124th St. They were directed by the handling unit to take up a position one street south of 124th St. As they traveled from eastbound El Segundo Blvd. to northbound Vermont Ave., they saw two male blacks running across the grass center median of Vermont Ave. One of the two individuals was wearing clothing that matched that given in the call. The two individuals appeared to look in the direction of the deputies and recognize the patrol car. They immediately dashed east across the street toward the driveway of an apartment complex. The individual matching the given clothing description, Suspect Grandberry, climbed over a sliding six foot wrought iron gate at the entrance to the driveway of the apartment complex. When Suspect Grandberry landed on the ground on the other side of the gate, he landed in a "football stance," with his left hand on the ground and his right hand out to his side. As he did so, a small chrome gun was clearly visible in his right hand. Both Deputy

[redacted] and Deputy Fitzgerald yelled out at the same time, "Gun!" The other individual, Suspect Houston, turned north and ran to 126th St., then went around the corner in an easterly direction and out of view.

Deputy [redacted] said he tried to stop their car near the gate, but their momentum caused them to travel past the driveway entrance before they could stop, thereby causing them to lose sight of Suspect Grandberry. Rather than back the car up, Deputy [redacted] drove forward until they were just short of 126th St. He had Deputy Fitzgerald get out of the car and take up a position of containment at the corner of 126th St. and Vermont Ave. Deputy [redacted] then drove eastbound along 126th St., stopping at the house just east of the apartment complex, while at the same time using his radio to announce they had armed suspects running from them. The house just east of where Deputy [redacted] stopped sits on an elevated lot. Deputy [redacted] chose to take up a position of containment on the elevated lot, believing it would give him the best view of the area. Deputy [redacted] ascended the stairs leading up to the lot, keeping sight of his partner Deputy Fitzgerald who was still at the corner. The front yard of the elevated lot has tall, closely spaced Cypress trees growing along its perimeter. When Deputy [redacted] reached the top of the stairs, he entered the front yard and moved to his left, sweeping the yard with his flashlight and scanning in a counterclockwise fashion. As he scanned to his left, he saw Suspect Houston facing east at the east corner of the house. Suspect Houston looked at Deputy [redacted] and using his right hand, and reached around his front, and aimed a handgun in the direction of Deputy [redacted] Deputy [redacted] said he was startled at finding Suspect Houston in the front yard. He immediately took a step backwards but slipped on the grass, causing him to drop his flashlight and fall to one knee. At the same time, fearing for his life, he fired three rounds at Suspect Houston. Suspect Houston scaled the east side wall at the location and was out of view. After regaining his balance, Deputy [redacted] quickly backed his way to the stairs, then quickly turned to descend the stairs while putting out emergent traffic that he had been in a shooting.

As he began descending the stairs, Deputy [redacted] said he heard gunshots coming from the area of where Deputy Fitzgerald had been located. He then heard Deputy Fitzgerald announce on the radio he had just been in a shooting and had a suspect down. As Deputy [redacted] reached the bottom of the stairs he could see Deputy Fitzgerald detaining someone out of his view on the ground at gun point. Deputy [redacted] continued with setting up a containment for Suspect Houston, using the patrol units that were now arriving as a result of their shooting broadcasts. Once the containment was established, he moved to the command post set up at El Segundo Blvd. west of Vermont Ave. and briefed the Watch Commander, Lt. Norine Plett. Deputy [redacted] stated he and Deputy Fitzgerald have worked together for a while and have spoken often on setting up containments and how they would handle various circumstances. He said he would not have entered the front yard of the elevated lot had he known the suspect was there.

Deputy Regan Fitzgerald stated he was working [redacted] on the EM shift with his partner, Deputy [redacted] Deputy [redacted] was the driver and he was the bookman. The received a 417/923 call involving Raymond Avenue Crip gang members and were assigned a containment position on the south side of the location on 124th St. Deputy Fitzgerald said they were turning eastbound El Segundo Blvd. to northbound Vermont Ave. when they saw two male blacks running across the center divider of Vermont Ave. The individuals, one of whom was wearing clothing that matched that being worn by the suspect in the call, ran directly east across Vermont toward the driveway leading to the parking lot of an apartment complex. The individual wearing the described clothing,

Suspect Grandberry, immediately climbed over a sliding wrought iron gate at the driveway that leads into the rear of an apartment complex. The other individual, Suspect Houston, ran north to 126th St., then east and out of view.

When Suspect Grandberry landed on the other side of the gate, he placed his left hand on the ground to steady himself and held his right hand out as a form of balance. A small chrome handgun was plainly visible in his right hand. Both Deputy Fitzgerald and Deputy [redacted] yelled out that the suspect had a gun. Deputy [redacted] was trying to slow their car but their momentum caused them to over shoot the driveway. Deputy [redacted] began transmitting that they had the 417 suspects running from them, at the same time stopping their car just short of the corner. Deputy Fitzgerald said he got out of the car and took up a position of containment at the corner, while Deputy [redacted] drove east on 126th St., stopping at the second house.

Deputy Fitzgerald stood in the #3 lane of Vermont Ave. at the south curb line of 126th St., continually scanning the west and north sides of the apartment complex, at the same time watching Deputy [redacted] ascend stairs that led to an elevated residential lot. As Deputy [redacted] neared the top of the stairs, Deputy Fitzgerald said he heard noises coming from the west side of the apartment complex near the area of the driveway. Deputy Fitzgerald said he did not want to remain where he was, feeling vulnerable. He had a choice of giving up his visual on the area of the noise by seeking cover or advancing far enough to determine what the noise was. He felt he chose the lesser of two evils by walking quickly south in the #3 lane of Vermont Ave., looking for the source of the noise. Deputy Fitzgerald said it was his walking away that caused him and Deputy [redacted] to first lose sight of each other. Deputy Fitzgerald said he had walked about 20-30 feet when he heard gunshots coming from the area where Deputy [redacted] was positioned, followed by Deputy [redacted] transmitting he had just been in a shooting. He quickly turned and ran up the sidewalk of Vermont Ave., and was just beginning to turn right down 126th St. when he saw Suspect Grandberry running at him. Deputy Fitzgerald estimated he saw Suspect Grandberry at approximately 15-20 feet. As Suspect Grandberry was approaching him, he did so while raising a small chrome handgun. Having seen Suspect Grandberry moments earlier with a gun, and having just heard gun shots from the area where Deputy [redacted] was known to be, Deputy Fitzgerald believed Suspect Grandberry was going to shoot him. Deputy Fitzgerald fired four quick rounds at Suspect Grandberry. Suspect Grandberry, using an underhand toss, flung the handgun over his head into the front area of the apartment complex. He continued running a few more steps before he stumbled and fell to the ground where he was handcuffed by responding deputies.

Deputy Fitzgerald transmitted he had just been in a shooting and had a suspect down. Within seconds he was joined by numerous units that were close by, already responding to the initial call. A containment was established and then he and Deputy [redacted] left the area for the command post.

WITNESS'S STATEMENTS

[redacted] was visiting a friend at [redacted] While talking on the front porch, Suspect Houston, who he knows as Lavelle, walked up. He described Suspect Houston as one of the younger members of the Raymond Avenue Crips. When a police car drove by, Suspect

Houston said, "Oh shit!" Deputies then detained he, Suspect Houston, and a friend who was also present, [redacted]

While they sat in the back of a patrol car, Suspect Houston mentioned he was probably going to be arrested because he had a gun and deputies were chasing him. He also said he had earlier thrown the gun into some bushes.

[redacted] said he was outside his apartment on El Segundo Blvd. when his friend [redacted] stopped by to talk. Moments later a Sheriff's unit came by and detained he, his friend [redacted] and an unknown male black (Suspect Houston). [redacted] could provide no information regarding the shooting incidents.

There were no residents who witnessed the shootings. Some of the interviewed residents heard gunshots, but nothing more.

SUSPECT'S STATEMENTS

Suspect Anthony Grandberry stated he was walking south on Vermont Ave. toward El Segundo Blvd. when he saw a patrol driving toward him. He recently learned he had a warrant for his arrest and was afraid the deputies would stop him. He turned and ran to a fence at the rear of an apartment complex and climbed over it. He was aware the patrol car had stopped and the passenger deputy had gotten out, so he ran north through the complex where he saw a patrol car pass by going east. Suspect Grandberry went to the entry gate of the apartment complex and looked out, seeing the patrol car stopped just east of the apartment building. He then heard four gunshots coming from east of the apartment building. Suspect Grandberry exited the front gate of the apartment building and ran west on 126th St., turning south onto Vermont Ave. While turning south at the corner, he passed the passenger deputy who was running north. He heard several gunshots fired from behind him and was struck in the right index finger. Suspect Grandberry immediately dropped to the ground and surrendered.

Suspect Grandberry said he saw no one else inside the apartment complex and denied possessing a handgun. He also stated he knows Suspect Houston but did not recall seeing him the day of the incident.

Suspect Lavelle Houston stated that earlier in the evening around 1830 hours he saw Suspect Grandberry at Helen Keller Park and they exchanged greetings. Later that evening, after attending a party near the same park, he was walking eastbound on 126th St. past Vermont Ave. when he saw a Sheriff's patrol car turn east onto 126th St. Suspect Houston thought he had a warrant for his arrest and when he saw other males on the street running, he ran as well. Suspect Houston said he ran up a flight of stairs toward a residence, a deputy following behind him. As he ran to the east side of the front of the house, he heard several gunshots coming from behind him. He believes because his pants were falling down and he was continually pulling at his waistband, the deputy may have believed he was reaching for a gun. Suspect Houston continued south from the residence and hid near some apartments on El Segundo Blvd. Approximately 15 minutes later he was arrested by deputes. Suspect Houston denied possessing a firearm during the incident.

INVESTIGATOR OBSERVATIONS

Based on radio traffic, both shootings occur in under 40 seconds:

00:00 Deputy [redacted] announces they have the 417 suspects running from them. He clarifies that it is visual only (not involved in a foot pursuit)

00:25 Deputy [redacted] announces "998"

00:40 Deputy Fitzgerald announces "998"

Units arrive seconds later and a containment of the outstanding suspect (Suspect Houston) is begun.

IAB investigators spoke to both Deputy [redacted] and Deputy Fitzgerald while doing a walkthrough at the scene several months later. The distance from the area where Deputy [redacted] flashlight fell to where his shell casings came to rest is approximately 20 feet. Deputy [redacted] stated he did not know exactly where he was when he fired, and that it was possible he was further in the front yard than he remembered, accounting for where his shell casings landed. Deputy [redacted] was using an H & K USP .45 on the night of the incident. The investigator test fired his own H & K USP .45, using the same duty ammo as Deputy [redacted] and found none of the shell casings carried more than 11 feet. There is a concrete sidewalk just to the right of the general area where Deputy [redacted] identified he fired from that the shell casings could have struck, causing them to bounce and travel further than normal.

Investigators then looked at the shell casing dispersal for Deputy Fitzgerald's shooting. The shell casings are all positioned in the street, making it difficult to understand at first glance how they came to their points of rest. Deputy Fitzgerald's Department issued Beretta ejects to the right, and based on his description of his shooting, one would expect the shell casings to have come to rest on the sidewalk. Deputy Fitzgerald explained that immediately after his shooting, numerous patrol units drove up to his location, including the field sergeant who parked on top of one of the shell casings. The responding units were not aware the area they were stopping in was actually his shooting scene. He believes the shell casings were inadvertently moved from their original points of rest to their marked positions because of the actions of the responding deputies. Both deputy's guns were test fired and found to be within normal operating parameters.

Photographs of the front yard of [redacted] 126th St., where Deputy [redacted] fired, show a porch light illuminating the area. Deputy [redacted] described the area as very dark, requiring the use of his flashlight. It is not positively known whether the porch light was on or off at the time of the shooting. Residents at the location, if home, did not answer their door for investigators.

Both deputies recognize the splitting of partners is an officer safety issue. They have worked together for some time and have not only discussed how best to handle situations, they have learned each other's behaviorism and non-verbal cues. In this incident, as in similar incidents, their goal was to set up a containment to "lock down" the suspects. However, both deputies encountered unexpected events that caused them to lose sight of each other, temporarily placing them in positions of disadvantage.